

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested.

Claims 3-11, 13, 15-16, 18, 22-29, 30, 33 and 34 remain in the application and are subject to examination. Claims 3-4, 13, 15-18, 22-23, 30, 33 and 34 have been amended. Claims 1, 2, 12, 14, 19-21, 31 and 32 have been cancelled to facilitate prosecution of the instant application.

Applicants appreciatively acknowledge the Examiner's consideration and acceptance of the drawings filed on July 28, 2003 and the information disclosure statements (IDS) submitted on March 1, 2004 and September 10, 2004.

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of applicants' claim for priority under 35 U.S.C. § 119(a)-(d).

DOUBLE PATENTING

In "Double Patenting," items 3-4 on page 2 of the above-identified Office Action, the Examiner rejected claim 1 under the judicially created doctrine of obviousness-type double patenting over claims 48 and 56 of co-pending Application No. 10/334,736. The cancellation of claim 1 renders this double patenting rejection moot.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 6 on page 3 of the above-identified Office Action, claim 19 has been rejected as being fully anticipated by U.S. Patent Application No. 2003/0087664 to *Murray, et al.* (hereinafter "Murray") under 35 U.S.C. § 102. Applicants respectfully traverse.

The rejection of claim 19 has been rendered moot by its cancellation.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” item 8 on page 4 of the above-identified Office Action, claims 1-2 and 13-18 have been rejected as being obvious over U.S. Patent No. 6,265,984 to *Molinaroli* (hereinafter “Molinaroli”) in view of Murray under 35 U.S.C. § 103. Applicants respectfully traverse.

The Examiner’s rejections of claims 1, 2, 12, and 14 have been rendered moot by their cancellation.

Claims 13, 15, and 16 have been rewritten in independent form, respectively incorporating the limitations of now cancelled claim 1. Claim 17 depends from claim 16.

Claim 13 requires, *inter alia*, a plurality of mirrors disposed in the defined interior space, between the photonic opening and the first one or more light sources to integrate the outputted light pulses in the red, blue, green spectrums to contribute to the forming of the first light pulse. Figure 1 of Molinaroli, cited by the Examiner, shows a policeman holding the display device of Molinaroli. Figure 1 does not show any detail, features or components of the device. The passage cited by the Examiner at Col. 6, lines 43-67 merely shows different color LEDs 54 (green, yellow or red), which are used to indicate go, yield or stop. Molinari discloses elsewhere that some embodiments comprise a manual lens or reflector adjustment mechanism for focusing light. Neither of these passages shows the recited plurality of mirrors disposed between the photonic opening and the light sources. Further, the cited passage fails to show integrating outputted light pulses, with mirrors or otherwise.

Murray merely discloses a communication device having two indicator lights to indicate to the user which mode of operation is present. Murray does not show the use of a plurality of mirrors nor any integrating of outputted light pulses as required in claim 13. Therefore, Murray does not remedy the deficiency of Molinaroli. None of the references, either alone or in combination, shows the novel combination of claim 13. Accordingly, claim 13 is patentable over Molinaroli in view of Murray.

Claim 15 similarly requires a plurality of mirrors. Therefore, for at least the same reasons, claim 15 is patentable over Molinaroli in view of Murray.

Claim 16 requires a small range diffuser complementarily disposed at least a selected one of said first one or more light sources and said photonic opening, to narrowly diffuse the first light pulse. Neither Figure 2, LED 12, nor col. 3, lines 33-67 of Molinari, cited by the Examiner, disclose a small range diffuser disposed at least a selected one of the light source and photonic opening. LED 12 is not diffuser. Figure 2 and the cited passage show the components and features of the display device. None of these components and features is a diffuser.

Murray does not remedy the deficiency of Molinaroli. Murray does not show any diffuser. None of the references, either alone or in combination, show the novel combination of claim 16. Accordingly, claim 16 is patentable over Molinaroli in view of Murray.

Claim 17 depends from claim 16, incorporating its limitations. Therefore, for at least the reasons discussed above, claim 16 is patentable over Molinaroli in view of Murray.

In "Claim Rejections – 35 USC § 103," item 9 on page 7 of the above-identified Office Action, claims 20-21 and 30-34 have been rejected as being obvious over Murray in view of Molinaroli under 35 U.S.C. § 103. Applicants respectfully traverse.

The Examiner's rejections of claims 20, 21, 31 and 32 have been rendered moot by their cancellation.

Claims, 30, 33 and 34 have been rewritten in independent form, respectively incorporating the limitations of now cancelled claim 19.

Claim 30 requires integrating a first, second and third light pulse to form one light pulse. Murray does not show any integrating of outputted light pulses. Molinaroli does not remedy this deficiency. The passage of Molinaroli cited by the Examiner (Col. 6, lines 43-67) merely shows different color LEDs 54 (green, yellow or red), which are used to indicate

go, yield or stop. The cited passage does not show integrating outputted light pulses to form one light pulse.

Therefore, claim 30 is patentable over Murray in view of Molinaroli.

Claim 33 requires first and second light pulses directed at a first and second mirror, respectively, and reflecting the first and second light pulses by the first and second mirrors to emit the first and second light pulses. Neither Murray nor the cited passage of Molinaroli teaches any mirrors. Molinari discloses elsewhere that some embodiments comprise a manual lens or reflector adjustment mechanism for focusing light. However, Molinaroli does not show the recited first and second mirrors nor does it show the mirrors used to emit, rather than focus, the first and second light pulses.

Therefore, claim 33 is patentable over Murray in view of Molinaroli.

Claim 34 teaches requires narrowly diffusing the at least one light pulse. Murray does not disclose any diffusing. Molinaroli does not remedy the deficiencies of Murray. The Molinaroli passage cited by the Examiner (Col. 6, lines 43-67) merely shows different color LEDs 54 (green, yellow or red), which are used to indicate go, yield or stop. The cited passage does not teach the diffusing of the light pulses as recited in claim 1 of the present invention.

Accordingly, claim 34 is patentable over Murray in view of Molinaroli.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 3-11 and 22-29 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants have rewritten claims 3, 4, 22 and 23 in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 4, 22 and 23 are therefore believed to be patentable over the art. The dependent claims 5-11, 18 and 24-29 are also believed to be patentable as well because they all are ultimately dependent respectively on claims 4 and 23.

In view of the foregoing, the Examiner is requested to withdraw the rejections under 35 U.S.C. §§ 102 and 103 and issue a Notice of Allowance.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 3-11, 13, 15-18, 22-29, 30, 33 and 34 is solicited. As a result of the amendments and arguments made herein, Applicant submits that claims 3-11, 13, 15-18, 22-29, 30, 33 and 34 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 222-9981. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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